



Advice to Speakers on the National Popular Vote Bill

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This memo provides advice to those talking to legislators, speaking before groups, doing media interviews, testifying at hearings, or debating the National Popular Vote bill.

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Start with a One-Sentence Statement of the Proposal's Deliverable Benefit

Extensive research and experience over the years shows that many people who harbor negative knee-jerk reactions to the National Popular Vote proposal simultaneously agree that “the candidate receiving the most popular votes should win.” Thus, we strongly recommend starting every meeting or presentation with a clear one-sentence statement of the **deliverable benefit** of the National Popular Vote bill at the start, middle, and end of your meeting or presentation.

“The National Popular Vote bill would guarantee the Presidency to the candidate who receives the most popular votes in all 50 states (and the District of Columbia).”

Avoid Erroneous and Gratuitously Offensive Attacks on the “Electoral College”

Do Not Say that the Bill Abolishes or Somehow Sidesteps the Electoral College

The Electoral College (namely the 538 presidential electors who meet in mid-December to elect the President) will continue to elect the President after the National Popular Vote plan takes effect. Thus, it is factually false to say that the National Popular Vote bill abolishes or somehow sidesteps the Electoral College. Saying this immediately undercuts your authority as a speaker.

Aside from being untrue, this statement is also politically counter-productive because it gratuitously offends many institutionally conservative people who view the Electoral College in an almost reverential way. These institutionally conservative people (some Democrats and many Republicans) reverentially associate this term with the Founding Fathers, our country's Constitution, and history. This reverence is based on the incorrect belief that the way we currently elect the President was designed by the Founding Fathers at the Constitutional Convention.

The facts are that the National Popular Vote bill is *state* legislation that would repeal current *state* winner-take-all laws. It would replace these state winner-take-all laws with a law that would guarantee the Presidency to the national popular-vote winner. Talking about the Electoral College focuses attention on the level of the federal Constitution (which is not changed by the National Popular Vote bill).

Don't Blame the Electoral College for the Shortcomings of the “Current System”

Don't say that the “Electoral College allows second-place candidates to become President.”

One reason not to blame the “Electoral College” is that it is factually false. The National Popular Vote plan will indeed prevent second-place candidates from becoming President; however, the Electoral College will continue to exist and operate after the National Popular Vote plan takes effect.

A second reason is that it is politically counter-productive to gratuitously attack an institution that many institutionally conservative people revere.

Instead, please use the term “the current system” — not “the Electoral College.” Please say something like “The current system of electing the President allows second-place candidates to become President” or “because of current state winner-take-all laws, second-place candidates can become President.”

The simplest way to avoid mistakes in this area is to simply forget you ever heard the term “Electoral College.”

Always Use the Adjective “Popular” or “Electoral” When Talking about “Votes”

You will quickly confuse the listener if you use the unmodified word “votes” with two entirely different meanings in the same breath. For example, the sentence below becomes very confusing if the adjectives are removed.

“Under the National Popular Vote bill, all the [electoral] votes from the enacting states will be awarded to the presidential candidate receiving the most [popular] votes in all 50 states (and DC).”

Own the Constitution and Founding Fathers and Mention Them Early and Often

We need to own the Constitution and Founding Fathers during any discussion of the National Popular Vote bill. Mention them early and often.

Many people harbor the notion that the method of electing the President is fully specified in the U.S. Constitution. This fundamental misconception leads to the incorrect conclusion that changing the system of electing the President requires a federal constitutional amendment (and, therefore, state legislation, such as the National Popular Vote bill, is unconstitutional).

The Electoral College (namely the 538 presidential electors who meet in mid-December and actually elect the President) *is* in the Constitution. However, the method of choosing the members of the Electoral College *is not* in the U.S. Constitution. Instead, each state legislature has the “exclusive” and “plenary” power (to use the words of the U.S. Supreme Court) to choose the method for deciding how to pick its members of the Electoral College (that is, the state’s presidential electors). The quickest, easiest, and most persuasive way to make this point is simply to quote the 17 relevant words from Article II, Section 1 of the Constitution:

“Each State shall appoint, **in such Manner as the Legislature thereof may direct**, a Number of Electors....”

Forty-eight states (all except Maine and Nebraska) currently have so-called “winner-take-all” laws. These laws award all of a state’s electoral votes to the candidate who receives the most popular votes (a plurality) in the state.

When the National Popular Vote bill takes effect, it replaces the state’s current “winner-take-all” laws in the enacting states. The bill awards the electoral votes of the enacting states to the presidential candidate who receives the most popular votes in all 50 states (and DC).

The following statements make the point that the current system of awarding electoral votes on a winner-take-all basis was *not* designed or created (much less endorsed) by the Founding Fathers at the Constitutional Convention.

“The state-by-state winner-take-all method of awarding electoral votes is not in the Constitution. It was not debated by the Constitutional Convention or mentioned in the *Federalist Papers*. It was used by only 3 states in the nation’s first presidential election in 1789, and all three repealed it by 1800.”

“It was not until 1828 — long after the 1787 Constitutional Convention — that a majority of the states had adopted the winner-take-all method of awarding electoral votes.”

“It was not until 1880 that all the states used the winner-take-all method.”

“Maine’s legislature changed to the district system of awarding electoral votes in 1969 and Nebraska’s did so in 1992 — a reminder that it is not necessary to amend the U.S. Constitution to change the way that states award their electoral votes and the President is elected.”

“State winner-take-all laws were adopted by state-by-state legislative action—not a federal constitutional amendment. Therefore, these state laws may be repealed in the same way they were adopted, namely by state legislative action.”

Never Refer to the Electoral College as “Antiquated”

This word suggests to many listeners that you are being disrespectful or dismissive of the Founding Fathers at the Constitutional Convention. In fact, the Founding Fathers at the Constitutional Convention had nothing to do with the establishment of the winner-take-all method of awarding electoral votes. “Antiquated” also suggests that you are advocating ignoring the Constitution.

Do Not Use Expediency to Justify the Bill

It is true that a federal constitutional amendment would be harder to pass than changing state statutes. However, state legislative action, in the form of the National Popular Vote bill, is **the right way** to change the method of awarding electoral votes, because changing state statutes is the way specifically provided in the Constitution and it is the way by which existing winner-take-all laws came into existence in the first place. No one argued that the a federal constitutional amendment was required to install winner-take-all when the states did so in the pre-Civil-War era (long after almost all of the Founding Fathers were dead).

Always Challenge Vague Suggestions of Unconstitutionality by Opponents

Although our informed opponents know that the winner-take-all method of awarding electoral votes is **not** in the Constitution and although most of them usually concede the National Popular Vote bill is constitutional, they often still try to create confusion by implying that the current method of electing the President was designed, created, or endorsed by the Founding Fathers at the Constitutional Convention.

Do not allow a vague (or specific) suggestion of unconstitutionality to go unchallenged. If this happens, ask the person raising a claim of unconstitutionality to recite the **specific clause** of the Constitution that they think is being violated. In practice, opponents will be unable to quote any section of the Constitution or there is a clear explanation as to why they are mistaken.

Explain the Cause of the Problem Before Describing the Remedy

Do not launch into a discussion of shortcomings of the current system without first explaining the root cause of the problem, namely **state** winner-take-all laws.

Most people have not thought about the Electoral College since high school. Without understanding the state-by-state winner-take-all method of awarding electoral votes, people cannot understand why presidential candidates ignore four-fifths of the states or how a second-place candidate can become President. Here’s something to say:

“The shortcomings of the current system stem from state winner-take-all statutes that award all of a state’s electoral votes to the candidate who receives the most popular votes in each state.”

“The National Popular Vote bill would change the method of choosing members of the Electoral College so as to guarantee that the Electoral College reflects the choice of the people in all 50 states (and DC).

Emphasize the Shortcomings of the Current System

After explaining the root cause of the shortcomings of the current system of electing the president (namely state winner-take-all laws), it’s time to address the shortcomings.

“The current system of electing the President enables a candidate to win the White House without getting the most popular votes in all 50 states and causes presidential candidates to ignore three-quarters of the states in the general-election campaign for President.”

Emphasize that Three-Quarters of the States Are Politically Irrelevant in Presidential Elections

“Another shortcoming of state winner-take-all statutes is that presidential candidates have no reason to pay attention to the concerns of voters in states where they are comfortably ahead or hopelessly behind. In 2012, all of the general-election campaign events (and virtually all the advertising and organizing) were in just 12 closely divided “battleground” states. In 2016, 94% of the general-election campaign events were in 12 states. Candidates do not pay attention to the concerns of voters in the states where they are safely ahead or hopelessly behind, because they have nothing to win or lose by campaigning in those states. After the election, sitting Presidents (either contemplating their own re-election or working for the election of their preferred successor) make numerous policy decisions in favor of the battleground states.”

Although many people are aware of the existence of “battleground” states and “spectator” states, few people are aware of the extreme degree to which presidential campaigns are concentrated into a handful of closely divided battleground states.

2012 General-Election Campaign Events



2016 General-Election Campaign Events



As can be seen, three-quarters of the states are politically irrelevant in presidential elections.

“The National Popular Vote bill will guarantee that the presidential candidate with the most popular votes will win; that *every* voter in *every* state will be politically relevant in *every* presidential campaign.”

Emphasize that Five out of 45 Presidents Did Not Win the National Popular Vote

“Because of state winner-take-all statutes, five of our 45 Presidents have come into office without having won the most popular votes in the country as a whole, thereby undermining a President’s legitimacy and ability to lead.”

When mentioning the 5 “second-place” elections, always **mention the “5” in tandem with the “45.”** The United States has been in existence for over 200 years, and “5” events in 200 years may sound small, whereas “5 out of 45 Presidents” or “5 out of 58 presidential elections” does not sound so small.

“The second-place candidate has become President in 5 of our 58 presidential elections—a failure rate of about 1 in 12.”

Mention the Frequency of “Near Miss” Elections

In 2004, a shift of 59,393 votes in Ohio would have defeated President George W. Bush despite his nationwide lead of over 3,000,000 votes. The national popular vote winner would also have been defeated by a shift of 9,246 votes in 1976, a shift of 77,726 in 1968, a shift of 9,212 in 1960, a shift of 20,360 in 1948, and a shift of 1,711 votes in 1916. That’s 6 cases in less than a century.

Do Not Gratuitously Concede that Second-Place Elections are Rare

A failure rate of 1 in 12 is bad enough. However, half of American presidential elections have been popular-vote landslides (i.e., a popular-vote margin of greater than 10%). Thus, the **failure rate is actually about 1 in 6** among the non-landslide elections.

Note that all of the 8 presidential elections between 1988 and 2016 have been non-landslide elections, so we are in an *era of close elections*.

Avoid Confusion by Describing the Bill Completely

Be Sure to Cover Both Key Parts of the Bill

Two distinct thoughts are necessary to describe the National Popular Vote bill correctly.

“The National Popular Vote bill will take effect when enacted by states possessing a majority of the electoral votes — that is, enough electoral votes to elect a President (270 of 538).”

“Under the National Popular Vote bill, all the electoral votes from the enacting states will be awarded to the presidential candidate who received the most popular votes in all 50 states (and DC).”

“Thus, the candidate receiving the most popular votes in all 50 states (and DC) will be elected President when the Electoral College meets in mid-December.”

Note that it is essential to mention **both** of these key thoughts together — the 270-electoral-vote trigger and the awarding of electoral votes. **Do not omit mentioning the 270-vote trigger.** If you fail to link these 2 key thoughts immediately in the listener’s mind, the listener may start to think that his or her state is being asked to unilaterally give away its voice. Unilaterally giving away a state’s electoral votes to the 50-state winner makes no sense in the absence of the corresponding commitment by other states to deliver a benefit to the listener’s own state. The benefit is that the President will always be the candidate receiving the most popular votes in all 50 states (and DC).

Say “All 50 States”—Not “Nationwide”

“All 50 states” are the most important words in describing the bill.

We know from experience in speaking to legislators, the media, the public, and focus groups that ambiguous alternative phrases like “nationwide” or “across the country” predictably create confusion because they carry the connotation (to many listeners) of “scattered” and “selected” places around the country as opposed to “all 50 states.” Southwest Airlines flies nationwide; however, it does not fly to **all 50 states**. The reason that this confusion is damaging is that there are two distinct, but easily confused, groups of states that play a role in our legislation.

- (a) a smaller group of states (roughly 25) that are necessary to bring the compact into effect (that is, states possessing 270 or more of the 538 electoral votes), and
- (b) the larger group (“all 50 states and the District of Columbia”) whose popular votes will be added together to determine which candidate wins the Presidency.

Mentioning “all 50 states” is especially important because people can easily slip into the **misconception that our plan would only count the popular votes from the 25-or-so states that actually enact the bill**. If the listener gets that incorrect impression, they will (quite reasonably) conclude that the plan makes no sense at all and would produce bizarre results.

Once a listener becomes confused on this point, it is extraordinarily difficult to undo this confusion. You can tell if people are suffering from this confusion if they ask questions such as “Wouldn’t the presidential candidates just campaign in the states that enact the compact?” or “What would be the likely political complexion of the states enacting the compact?” In fact, it does not matter what combination of states enact the compact. The above types of questions are a tip-off that the person is thinking that the compact awards its bloc of electoral votes to the winner of the popular vote **inside** the compacting states—while excluding the popular vote from the states that did not enact the compact. If someone asks either of these two questions, do not try to answer their question. Instead, start over (saying “I may not have explained this correctly”) and then re-explain how the National Popular Vote bill works so that the listener correctly understands the bill. In that way, the listener will understand that the political complexion of the compacting states doesn’t matter, and therefore that presidential candidates would necessarily campaign in all 50 states.

It is important for the listener to have an “aha” moment concerning this bill. Reaching the “aha” moment requires the listener to combine 2 distinct thoughts—so that the listener realizes that the compacting states will collectively award a bloc of 270 or more electoral votes to the winner of the popular vote in all 50 states. You can usually tell when the listener “gets it” by their reaction. If you don’t see that reaction, it is important to re-explain the bill before proceeding because otherwise the listener may start asking a lot of questions premised on a misunderstanding.

Say that Electoral Votes Are “Awarded” — Never “Pledged” or “Instructed” or “Bound”

It is important to talk about a state’s electoral votes being “**awarded**”—as opposed to using inaccurate words such as “instructed” or “pledged.”

Talking about “instructing” or “pledging” or “binding” creates confusion in several ways.

First, it is factually incorrect. Nobody is “instructed” or “pledged” as a result of the National Popular Vote bill. The bill *controls* the election of presidential electors. The bill specifies that the state’s chief election officer will certify the election, in his state, of the slate of presidential electors who were nominated by the political party of the candidate who received the most popular votes in all 50 states (and DC). In this regard, the National Popular Vote bill operates in the same way as the current system. Many people incorrectly think that the Electoral College consists of “wise men” who actually deliberate in mid-December and decide who the President will be. The important point is that neither the current system nor our bill relies on the graciousness of supporters of one political party to execute “instructions” to vote for the candidate of the opposing political party. Instead, both the current system and our bill rely on willing party activists who act as rubberstamps and vote in the Electoral College precisely the way that the voters expect and precisely the way that they personally want to vote. Words such as “instructed” or “pledged” or “bound” open up a rabbit hole and often trigger a time-consuming discussion of faithless electors, leading to a time-consuming explanation of how the current system actually works.

Do Not Use the Acronym “NPV”

Do not use the acronym “NPV.” It means nothing to the average listener. Saving 7 syllables, in the midst of a 5-minute interview or 20-minute meeting is no reason to use this acronym. Using an unfamiliar acronym puts distance between you and the listener (who may be reluctant to ask what you are talking about).

More importantly, we want listeners to remember the 3 words “National Popular Vote,” because these words enable them to easily find our website and get more information (www.NationalPopularVote.com). These three words are our brand.

If giving a radio or TV interview, using the acronym “NPV” in the middle of the interview is especially confusing to a listener who tuned in late and didn’t hear the words “National Popular Vote” at the beginning of the interview.

Avoid Referring to the Bill as an “Interstate Compact”

There is no need to mention that the National Popular Vote bill is an “interstate compact” or a contractual “agreement among the states.” Using “lawyer talk” or “insider speak” puts distance between you and the listener. It is better to use everyday terms such as “bill,” “plan,” “proposal,” or “law,” unless you know that your listener is already familiar with interstate compacts. Another reason is that is always better to talk about the bill in terms of what “deliverable benefit” it delivers, instead of the mechanics. Our experience is that almost all governors (and many state legislators) are familiar with interstate compacts and therefore understand that a compact is “obviously the way you would do it.” However, most members of Congress and the public are usually unfamiliar with interstate compacts.

Refer to the Numerous Validators of the Bill

Opponents of the National Popular Vote bill usually attempt to convey the impression that the proposal is some kind of fishy, fringe, poorly-constructed, and unvetted “scheme” that has no support and no chance of adoption.

Mention that the Bill Has Been Enacted by 12 States Possessing 172 Electoral Votes

Since National Popular Vote’s initial press conference and release of the first edition of our book in February 2006,

“The National Popular Vote bill has been enacted by 12 jurisdictions possessing 172 of the 270 electoral votes needed to activate it, including four small jurisdictions (Rhode Island, Vermont, Hawaii, and the District of Columbia), four medium-size states (Connecticut, Maryland, Massachusetts, and Washington state), and four big states (New Jersey, Illinois, New York, and California).”

“The National Popular Vote bill will take effect when enacted by states possessing 98 additional electoral votes.

If asked about how many states it would take to reach 270 electoral votes, the answer is that it depends on the number of electoral votes possessed by each enacting state, but that about half the states is a good rough estimate.

By the way, listing the states in three groups (small, medium, and large) reminds people that this change is not something favored by big states or opposed by small states.

Mention that the Bill Has Passed One House in 11 Other States with 89 Electoral Votes

The National Popular Vote bill has passed at least one house in 11 other states with 89 electoral votes (AR, AZ, CO, DE, ME, MI, NC, NM, NV, OK, OR) and been approved by unanimous committee votes in two additional states with 26 electoral votes (GA, MO). It has passed both houses of the legislature in Colorado and New Mexico (but in different years).

It is sometimes helpful to mention the National Popular Vote bill has been passed by 9 legislative chambers in low-population states (i.e., 3 or 4 electoral votes), including both houses in Hawaii, Rhode Island, and Vermont, and one legislative chamber in Maine, Delaware, and the District of Columbia. Note that DC has had 3 electoral votes in the Electoral College since ratification of the 24th Amendment in 1961.

Similarly, as to “battleground” states, the bill passed the Michigan House with over a third of House Republicans (19 of 52); one house in Nevada and New Mexico (when it was a battleground state); and both houses in Colorado (but in different years).

Mention that the Bill Has Been Endorsed by 3,125 State Legislators in all 50 states

The bill has been endorsed by 3,125 state legislators from all 50 states —either as sponsors (about half of this number) or legislators who have cast recorded votes in favor of the bill on the floor or in committee.

Mention that the Nationwide Election of the President Has Long Had Bi-Partisan Support

The “early adopter” states of the National Popular Vote bill were Democratic-controlled states, except for New York where the bill passed the Republican-controlled Senate but was initially blocked in the Democratic-controlled Assembly.

The National Popular Vote bill has been endorsed by the Conservative Party of New York.

In addition to mentioning the bipartisan 21–14 vote in the Connecticut Senate, the 40–16 vote in the Arizona House, the 28–18 vote in the Oklahoma Senate, the 57–4 vote in the New York

Senate, and the 30–4 vote in the Rhode Island Senate, National Popular Vote’s Advisory Board has included former Senators Birch Bayh (D–Indiana), David Durenberger (R–Minnesota), Jake Garn (R–Utah), and the late John Anderson (R–Illinois) and former congressmen John Buchanan (R–Alabama—the first Republican elected to represent Birmingham), Tom Campbell (R–California), and Tom Downey (D–New York). Other supporters include former House Speaker Newt Gingrich (R–GA), former Governors Jim Edgar (R–IL) and Howard Dean (D–VT), the late Senator Fred Thompson (R–TN), former Congressman Tom Tancredo (R–CO), and former RNC Chair Michael Steele.

Presidents Nixon, Carter, and Ford endorsed the concept of nationwide popular election of the President, as did former Congressman and later-President George H. W. Bush of Texas and former Senator Robert Dole of Kansas (national ticket nominee in 1976 and 1996).

Appendix S of the book, *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* lists at least one sponsor in the U.S. House or Senate for the concept of nationwide popular election of the President from all 50 states over a period of decades.

Refer to Our Book *Every Vote Equal*

Mentioning our book conveys the message that substantial research and thought has gone into the National Popular Vote bill. Our book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote* contains a more detailed discussion of the shortcomings of the current system.

We routinely give away our book to state officials and staff. The book may be read or downloaded for free from our website at www.NationalPopularVote.com. The book costs \$4.93 to print (and, therefore, falls well under any state’s gift limits). The book may be purchased from Amazon for \$4.95.

Topics to Avoid

Do Not Gratuitously Bring Up Presidential Primaries and the Nominating Process

We have found that it is confusing and distracting to bring up presidential primaries and the nominating process. The National Popular Vote bill is solely about the general-election campaign for President.

Do Not Gratuitously Bring Up Federal Constitutional Amendments

It is time-wasting, confusing, and politically divisive to bring up federal constitutional amendments to achieve the goal of a nationwide election of the President. About half of the current Republican state legislative sponsors of our bill would *not* support a federal constitutional amendment for nationwide election of the President, because they prefer a *state-based* solution to the problem.

If federal constitutional amendments come up, just say that the U.S. Constitution already contains a built-in mechanism for changing the way the President is elected, because it empowers state legislatures to choose the method of awarding their electoral votes.

The U.S. Constitution (Article II, Section 1) gives states exclusive control over awarding their electoral votes:

“Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors....”

Using the Constitution’s existing method is *the right way* to make this change.

Avoid or Minimize the Use of Off-Message Arguments about Small States

It is usually best to avoid superficial arguments such as “Wyoming has three times the voting power of California.”

In fact, the 12 smallest states are the most disadvantaged and ignored group of states under the current state-by-state winner-take-all method of awarding electoral votes. The reason is that political power in presidential elections flows from being a closely divided battleground state—not from a mathematical calculation dividing a state’s number of electoral votes by its population. The 12 smallest states are not ignored because they are small, but because they are one-party states in presidential elections. In fact, Wyoming and California have equal voting power in electing the President, namely zero.

The political irrelevance of the 12 smallest states under the *current* system becomes especially clear if you notice that these states together have the same population—about 12 million—as the closely divided battleground state of Ohio. These 12 small states have 40 electoral votes—more than twice Ohio’s 18 electoral votes. However, Ohio received 73 of the nation’s 253 post-convention campaign events in 2012, while these 12 small states received none.

Tellingly, the National Popular Vote bill has already been enacted by four small states (Rhode Island, Vermont, Hawaii, and DC) and passed one legislative chamber in Maine and Delaware. When the issue is fully debated, legislators in small states realize the incorrectness of the argument that the current system somehow benefits the small states. Thus, the argument about small states not only does not reflect political reality, but makes enactment of the National Popular Vote bill somewhat more difficult in small states.

Also, if it is claimed that the small states are Republican, be sure to correct that incorrect statement. In the last seven presidential elections, 6 of the smallest states have almost always gone Republican (Alaska, Idaho, Montana, North Dakota, South Dakota, and Wyoming), while 6 other small jurisdictions have regularly gone Democratic (Delaware, the District of Columbia, Hawaii, Maine, Rhode Island, and Vermont). The remaining state with 4 or less electoral votes (New Hampshire) is a closely divided battleground state. It has gone Democratic in 6 of the last 7 elections. Thus, the small states are tied as to partisan orientation in presidential election (and, if anything, are slightly Democratic).

Remember that the Bill Handles Many “Scary Scenarios” Better than the Current System

Many of the arguments raised against the National Popular Vote bill involve hypothetical and unlikely “scary scenarios.” It turns out that the National Popular Vote bill handles many of these “scary scenarios” in a way that is **equal to or superior to the current system** (e.g., faithless electors, recounts). Numerous examples can be found in chapter 9 (the “myths” chapter) of the book *Every Vote Equal: A State-Based Plan for Electing the President by National Popular Vote*. So, before going down one of these rabbit holes, ask yourself whether the National Popular Vote bill is, in fact, “equal or superior” to the current system.

Always Get Your Important Points in Early

Time management is very important. Always get the important points in early—especially in a meeting with a busy legislator (which may get interrupted at any time) or a media interview (where a minor question may use up so much time that you never get to your important points).

Yank the Discussion Back to the Benefits and Values of the Bill

It is often desirable to yank the discussion back to the basic values and benefits of our proposal (especially after discussing some minor technical issue.

- The current system causes voters in three-quarters of the states to be ignored.
- The National Popular Vote bill will guarantee that *every* voter in *every* state will be politically relevant in *every* presidential campaign.
- The current system allows a second-place candidate to win the Presidency.
- The National Popular Vote bill will make every American's vote equal.



"Agreement Among the States to Elect the President by National Popular Vote"

June 6, 2018

Enacted into Law in 12 States with 172 Electoral Votes

The National Popular Vote interstate compact has been enacted into law by 12 jurisdictions possessing 172 electoral votes — 98 votes short of the 270 electoral votes needed to activate it.

- Connecticut – 7
- District of Columbia – 3
- Hawaii – 4
- Illinois – 20
- Maryland – 10
- Massachusetts – 11
- New Jersey – 14
- Washington – 12
- Vermont – 3
- California – 55
- Rhode Island – 4
- New York – 29

Passed 13 Additional Chambers in 11 States with 89 Electoral Votes

- Arizona House
- Arkansas House
- Colorado House
- Colorado Senate
- Delaware House
- Maine Senate
- Michigan House
- Nevada Assembly
- New Mexico House
- New Mexico Senate
- North Carolina Senate
- Oklahoma Senate
- Oregon House

Unanimously Passed Committee in 2 States

- Georgia House committee
- Missouri House committee

Agreement Among the States to Elect the President by National Popular Vote

(888 Words)

Article I—Membership

Any State of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.

Article II—Right of the People in Member States to Vote for President and Vice President

Each member state shall conduct a statewide popular election for President and Vice President of the United States.

Article III—Manner of Appointing Presidential Electors in Member States

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a “national popular vote total” for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the “national popular vote winner.”

The presidential elector certifying official of each member state shall certify the appointment in that official’s own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.

The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state’s final determination conclusive as to the counting of electoral votes by Congress.

In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official’s own state.

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state’s number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state’s presidential elector certifying official shall certify the appointment of such nominees.

The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

Article IV—Other Provisions

This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.

Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.

This agreement shall terminate if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

Article V—Definitions

For purposes of this agreement,

"chief executive" shall mean the Governor of a State of the United States or the Mayor of the District of Columbia;

"elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

"chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

"presidential elector" shall mean an elector for President and Vice President of the United States;

"presidential elector certifying official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors;

"presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

"state" shall mean a State of the United States and the District of Columbia; and

"statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.